

INSURANCE.
WASHINGTON
Fire and Marine
Insurance Company
Office, 51-2 Madison St.,
MEMPHIS, TENNESSEE.

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MASONIC MUTUAL
Life Assurance Association,
No. 334 Front Street,
Magnolia Block, cor. Union street, up stairs.

\$12 CONSTITUTES YOU A MEMBER.
No other expense except in case of the death of a member. See you will be assured \$2.

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AND ACCOUCHER.

OFFICE, 33 UNION ST., RESIDENCE, 300
Main Street (Gayoso Block). Office hours
from 9 to 10 a.m., and from 3 to 6 p.m. Special
consultations: children and female diseases, Grad-
uated at the University of Berlin (Germany);
with more than thirty years' practical expe-
rience. Vaccination daily at his office, be-
tween 3 and 4 o'clock p.m. 34-xvi-33

NEWSPAPER.
HELENA, ARKANSAS.
Daily and Weekly World,
BURNETT & BURKE, Prop's.

A DEMOCRATIC, CONSERVATIVE
Newspaper, the best advertising medium
in the State. An extensive circulation
through all the rich cotton-growing coun-
ties. The only Daily Paper that Pub-
lishes Specials Outside
of Little Rock.

That portion of the State of which Helena is
the capital, the eastern part, surpasses all the
others in point of progress. Business men of
Memphis, have a care; look to the trade of
Helena. Refer to Johnston & Vance, H. Wade & Co.,
E. A. Benson, Hill, Terry & Mitchell. 3-7

MEDICAL.
CANCERS
ARE permanently cured by Dr. W. C. COUDEN,
of Louisville. From hundreds of
cures a few well-known names are selected.
Mitchell, Jackson, Tenn.; cured, 1890. J. W.
Trotter, Prospect, Giles co, Tenn.; cured, 1890.
H. W. Smith, Carter's creek, Many co, Tenn.;
cured, 1890. James Moffatt, Troy, Ohio co,
Tenn.; cured, 1890. Mrs. W. D. Hall, Brandon,
Ky.; cured, 1890. H. S. Gage, procer,
Main st., cured, 1890. Mrs. Birdseye McKnight,
carpet store, Main st.; cured, 1890. P. B. Baird,
Fulton Station, Ky.; cured, 1891. J. W. L.
James, Austin, Goshen, Oldham co, Ky.;
cured, 1890. Peter Jenkins, ice dealer, Lew-
istown and Walnut st., cured, 1890. Mrs. Lewis-
Scott, of Georgetown, Ky.; aunt of Col. Allen
Johnson, proprietor of the Hotel House, Louisville.
The doctor also refers to Rev. A. T.
Spaulding, Atlanta, Ga.

By addressing Dr. W. C. COUDEN, No. 47
West Jefferson street, Louisville, Ky., copies
of his "Journal" can be obtained, free of
charge, giving mode of treatment and a large
list of cases cured. 151-71

HAIR DYE.
Batchelor's Hair Dye.
This splendid Hair Dye is the best in the world.
The only true and perfect dye. Harmless, re-
liable and instantaneous; no disappointment,
no ridiculous tint or unpleasant odor. Rem-
oves the ill effects of bad dyes and washes.
Saves immediately a superb black or nat-
ural brown, and leaves the hair clean, soft,
and healthy. The genuine brand V. A.
and Mer. Sold by all Druggists.

CHAS. BATCHELOR,
Proprietor, N. Y.

NEWSPAPER.
"RECORD,"
SEARCY, ARKANSAS.

CIRCULATES AMONG ALL THE MER-
chants in the White and Red river val-
leys.

Is the People's Organ.
Memphis merchants will find this a good
medium to make their business known to the
country merchants in that section particu-
larly. Address

JACOB FROELICH, JR.,
Searcy, Arkansas.

MUSIC.
Established in 1853.

E. A. BENSON'S
OLD AND RELIABLE
Wholesale Music House
— And —
PIANO-FORTE WAREHOUSES,
317 Main Street,
— IS NOW OFFERING —

BENSON & CO.'S Pianos from \$20 to \$400
VOSE & SON'S Pianos from \$30 to \$500
GABLER Pianos from \$40 to \$250
STEINWAY & SON'S Pianos \$500 to \$1250
MASON & HAMILIN Organs, \$100 to \$500
All warranted for Five Years.

Pianos for Sale on Monthly Payments.
No Piano taken in exchange for new ones.
Together with the largest stock of
Sheet, Music and Musical Merchandise
New brought to the South.

NOW IS THE TIME TO BUY
Country Merchants, School and Seminary
please send in their orders, as I can fill
them at less than New York prices, for cash
or good city acceptance at thirty, sixty or
ninety days. Send and Receive by com-
mon express. E. A. BENSON,
317 Main Street, Memphis, Tenn.

PUBLIC LEDGER.

City Official Journal. LARGEST CITY CIRCULATION. Fifteen Cents Per Week. NO. 58

VOL. XVI. MEMPHIS, TENN.: WEDNESDAY EVENING, MAY 7, 1873.

PUBLIC LEDGER.

THE PUBLIC LEDGER IS PUBLISHED
every afternoon (except Sunday) at No. 13
Madison street.

Advertisements are received at the office
by faithful carriers at FIFTEEN CENTS
PER WEEK, payable weekly to the carriers.
By mail (in advance): One year, \$5; six
months, \$3; three months, \$2; one month,
75 cents.

Newsdealers supplied at 25 cents per copy.

Weekly Public Ledger.

Published every Tuesday at \$2 per annum (in
advance); clubs of five or more, \$1.50.
Communications upon subjects of general
interest to the public are at all times accept-
able.

Rejected manuscripts will not be returned.
RATES OF ADVERTISING IN DAILY.

First insertion, 10 cents per square
Subsequent insertions, 5 cents per square
For one week, 30 cents
For three weeks, 85 cents
For one month, 75 cents

RATES OF ADVERTISING IN WEEKLY:
First insertion, \$1.00 per square
Subsequent insertions, 50 cents per square
Eight lines of nonpareil, solid, constitute a
square.

Displayed advertisements will be charged
according to the space occupied, at above
rates—there being twelve lines of solid type to
the inch.

Notices in local column inserted for twenty
cents per line for each insertion.
Special notices inserted for ten cents per line
for each insertion.

To regular advertisers we offer superior in-
ducements, both as to rate of charges and
manner of displaying their favors.

Notices of deaths and marriages, twenty
cents per line.
All kinds of advertising are done when con-
tracted for payable on demand.

All letters, whether upon business or other-
wise, must be addressed to **WHITMORE,**
Publisher and Proprietor.

ALDERMANIC TROUBLES.

Judge Halsey Prevents the Bond
from Quelling the Second Circuit Court
of Shelby county.

Andrew Davis, Second Circuit Court
of Shelby county,
vs.
Jacob Steinhilber.

The petition for certiorari and superse-
des in this case sets up that the
petitioner was duly elected and qualified
as a member of the Board of Aldermen
of the city of Memphis, and that his
term of office has not yet expired; that
the defendant, who was his competitor
for the office, has combined with certain
other persons who desire his displace-
ment, and has instituted proceedings to
contest his election and qualification, and
is insisting that he be once dis-
placed, and that defendant or some
other person be put in his stead. That
the proof is confined to two points:
First, that petitioner was not a citizen
and resident of the ward at the time of
his election; and second, that he was a
contractor, or had an interest in a con-
tract with the city at that time, and
therefore ineligible. The petitioner al-
leges that both these questions were
passed upon by the Board at the time
of his qualification.

It further states that certain members
of said Board have taken offense at his
course and are anxious to have him dis-
placed; that they are secretly foment-
ing this proceeding; that they are to be
the triers and judges of the case, and
that it will be adjudged against him
without regard to the law of the case
and the right of the matter; that he
will be summarily removed and a
successor, either said Steinhilber or
some other person, put in his place;
that his opponents are so far
blinded by partisan feeling that they will
not give him a fair trial. The petition
also alleges that the disqualifications for
which he is sought to be removed do not
exist, and that he was not interested,
directly or indirectly, in any contract
with the city at the time of his election.
It states that he cannot safely wait a
trial before the Board, and that his only
safely in a removal of the cause to this
court before trial.

Upon this petition writ of certiorari
and superseades were issued, returnable
to the May term of this court; and the
defendant now moves for a dismissal of
the petition and discharge of the superse-
des, upon the grounds that if it had
been filed in this case was prematurely
filed and writs prematurely issued.

The case of Bob vs. the State, 2d Yerger
173, is in point upon both of these
questions. Judge Peck, who delivered
the opinion of the court in that case,
uses the following language: "In the re-
moval of officers by inferior jurisdictions,
punishment for contempt, unreasonable
exercise of authority in laying out roads
and levying taxes, proceedings of cor-
porations, regulations under the poor
laws and many other instances might be
put to show the necessity of such a con-
trolling power; and that, in fact, in all
the enumerated cases, it has been ex-
tended by means of some appropriate
writ, furnished either by the constitution,
some statute or by the common law."

In England there is no ques-
tion the certiorari would lie in such case
either before or after judgment. Before
judgment in a case made out, that be-
cause of public clamor justice could not
in all likelihood be done; after judg-
ment for irregularity in the proceedings.
In this country the writ of certiorari
has been used in like cases—has been a
favorite writ with our courts before and
since the Revolution.

There is a power at hand to frame
this country that power exists in the
Circuit Court.

The learned judge then proceeds to
argue that, as this power "exists to the
fullest possible extent in civil proceed-
ings," that it should also be held to ap-
ply to criminal proceedings. See also
Dillon on Municipal Corporations, sec-
tions 739, 740, and Heiskell's Digest 337.
But it is said that this Court has no ju-
risdiction because the Legislature has
made the Board of Aldermen the exclu-
sive judges of the qualifications of its
members. That the Legislature has the
power to confer exclusive jurisdiction
upon the Board to pass upon the qualifi-
cations of its member is unquestioned.
But have they conferred such exclusive
power?

Section 9 of the City Charter provides
that "each board shall judge of the
qualifications, elections and returns of
its own members, and shall prescribe
rules for the determination of contested
elections."

body of the municipality shall be
the judge of the "qualifi-
cations," or of the "qualifications
and elections of its own members," and
of those of the other officers of the corpora-
tion. What effect do provisions of
this kind have upon the jurisdiction of
the superior courts? The answer must
depend upon the language in which
these provisions are couched, viewed
in the light of the general laws of the
State upon the subject of contested elec-
tions and quo warranto. The principle
is that the jurisdiction of the courts re-
mains, unless it appears with un-
equivocal certainty that the Legislature
intended to take it away. Language
like that quoted above will not ordinarily
have this effect, but will be construed
to afford a cumulative or primary tri-
bunal only, not an exclusive one. A pro-
vision that no court should take cogni-
zance of election cases by quo warranto,
etc., would doubtless be sufficient to di-
vert the jurisdiction of the judicial tri-
bunals. And so perhaps of a provision
that the Council should have the sole or
final power of deciding elections.

Agreeably to the rule just stated, a
clause in the charter of a municipal cor-
poration that the city council "shall be
the judges of the elections, returns and
qualifications of their own members and
of the other officers of the corporation" was
held by the Supreme Court of Dela-
ware not to oust the superior court of the
State (invested with the usual pow-
ers of the King's bench) of its superin-
tending jurisdiction over
corporations, and it was declared if the
council should erroneously decide that a
person duly elected by the people was
not qualified to hold it, a mandamus
might issue commanding them to admit
him to office.

The section of the City Charter referred
to does not invest the Board of Alder-
men with the exclusive jurisdiction to
judge of the qualifications of its mem-
bers, and it does not directly or indi-
rectly take away the jurisdiction of the
Circuit Court. It is, therefore, clear that
that jurisdiction still exists.

The remaining question is, have the
writs in this case been prematurely?

This question, it is conceived, must be
decided according to the laws of this
State regulating the issuance of writs
of certiorari. There can be no differ-
ence in respect to the time of the is-
sue of the writ between cases originat-
ing in the Board of Aldermen and in
other tribunals which are within the
meaning of the law inferior jurisdic-
tion, and the question, therefore, is, can
the writ of certiorari issue before trial?

At common law the ordinary office of
this writ was to bring cases from the
inferior to the superior court before trial,
although sometimes it was used after
trial. Tidd's practice, 398.

In Beck vs. Knabb, 1st Tennessee, 56, 62,
Judge Overton decides that a writ of
certiorari may issue after judgment below.
The ordinary use of the writ having been
before trial, it seems to have been ques-
tioned whether it could issue after judg-
ment.

In May vs. Campbell the same Judge,
in rendering the opinion of the court,
says: "The English courts seem to
have considered the writ of certiorari
when applied for by a defendant as en-
tirely a matter of discretion, and not to
be granted but upon the strongest rea-
son. It was considered a matter of
course not to grant one after trial be-
low. Our Constitution seems to have
designed that it should be a writ of com-
mon remedy as well before as after trial,
upon sufficient cause being shown by
affidavit."

In Hendrix vs. the State, Cooke 474
and 477, the same doctrine is held, as
also in the case of Bob vs. the State, al-
ready referred to.

In the absence of these adjudications
how would the question stand? Imme-
diately prior to the adoption of the Con-
stitution we have the writ of certiorari
existing in full force and vigor, and its
usual office is to remove cases from the
inferior jurisdiction before trial. Then
the Constitution provides that "the
Judges of the inferior and superior
courts of law shall have power in all
civil cases to issue writs of certiorari to
remove any cause or a transcript thereof
from any inferior jurisdiction into their
courts in sufficient cause supported by
oath or affirmation." It would seem
that if the Supreme Court had been en-
tirely silent upon the question, the Con-
stitutional provision cited could refer
only to the writ of certiorari as it existed
at common law, or as used in this State
immediately prior to the adoption of the
Constitution. We have already seen that
the adoption of the Constitution, before
the adoption of the Constitution, the
ordinary office of this writ was to bring
cases from the inferior to the superior
jurisdiction before trial; its exceptional
use was to remove causes after trial.

It is decided in Murfree vs. Leeper,
1st Tenn., p. 1, that the Legislature could
not restrict their power without express
negative words. This was before the
adoption of the Constitution, and when
it was more common law right. When
the right to the writ became constitu-
tional the Legislature could not restrict
even by express words, though they
might regulate. 7 Yerger, 21-23.

The Legislature have not, however,
attempted to take away the right to ob-
tain a writ of certiorari before trial.

From these authorities it follows that
this Court has authority to grant the
writ of certiorari in this case, and that
the exercise of this authority has not
been premature.

The motion to dismiss must therefore
be overruled.

IRVING HALSEY, Judge.

Felix Fritz is a remarkable man,
though he has been all his life only a
waiter in a Paris cafe. He is possessed
of a wonderful memory, and is a cyclo-
pedia of military facts and gossip.

Marshal Ney took advantage of a no-
cturnal broil in the cafe to imprison Fritz
for his knowledge of war office affairs.

The waiter improved his knowledge
while in prison, and during the late war,
when the official army list was not pub-
lished, Felix had to carry in his head the
names, regiments, terms of service and
promotion of every officer in the service.

He is now about to retire, with his
memory and fame are still unimpaired.

Simos Cameron's portrait, it is re-
ported, has been painted over twice in a
panel in the room of the Senate Com-
mittee on foreign relations, as one of
the four most eminent chieftains of that
body since the foundation of the govern-
ment. It ought to receive a third
coating of whitewash with a gold border,
to make it a showpiece for that
location.—Boston Transcript.

PARK.

PICNIC.

Vance Street.

MY GROUNDS ARE NOW READY FOR
the approaching season of festivities, and
I respectfully solicit the various societies and
schools to the advantage they possess. The
covered pavilion and refreshment stands form
a structure in case of showers; a good well of
water and fine shade trees; street cars to the
entrance gate. Examine for yourselves, and
for full particulars apply to
R. E. ALEXANDER.

In rear of the grounds,
or JOHN W. WAYNE, 210 Front street.

OFFICIAL.

STONE PAVEMENTS.

CITY ENGINEER'S OFFICE.
MEMPHIS, TENN., April 11, 1873.
SEALED PROPOSALS WILL BE RE-
ceived at this office until 12 o'clock a.m.,
May the 14th, for constructing stone pave-
ments on Washington street, between Main
and the river, and on Beal street, between
Shelby and the Elevator, about 5000 square
yards. For specifications and other infor-
mation apply at this office.

J. H. HUMPHREYS, City Engineer.
[Louisville Courier-Journal and Nashville
Union and American please copy for three
weeks and send the bill to the Mayor.] 35-63

MEDICAL.

"Dr. Curtis on Manhood."

Revised and Corrected by the Author, E. M.
F. CURTIS, M.D., etc., etc.

A MEDICAL ESSAY on the cause and cure
of Premature Decline in Man, showing how
health is lost and how regained. It gives a
clear exposition of the impediments to Mar-
riage, the treatment of Exhausted Vitality, Nervous
and Physical Debility, and other diseases ap-
pertaining thereto, and the remedies therefor.
The results of twenty years' successful prac-
tice.

"CURTIS ON MANHOOD."—There is no
member of society by whom this book will not
be found useful, whether he be parent, pre-
ceptor or clerk. —London Times.
Price 50 cents, by mail. Address the author,
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DRESS MAKING.

MRS. H. S. BOOTH,
FASHIONABLE
DRESS AND MANTLE MAKER
240 Main Street,
Cor. Jefferson, Memphis, Tenn.

For Bridal Trousseaus a specialty. Dresses
cut, fitted and made up in the latest styles. 35-23

MEDICAL.

ROSADALIS

THE GREAT SOUTHERN
remedy for the cure of scrofula,
Scrophulous Taint, Rheuma-
tism, White Swelling, Gout,
Gravel, Consumption, Bronchi-
tis, Nervous Debility and all
diseases arising from impure
condition of the Blood.

The merits of this preparation
are so well known that a passing
notice is but necessary to
remind the readers of the necessity
of always having a bottle of
this medicine among their
stock of family necessities.

Certificates can be presented
from many leading Physicians,
Ministers, and heads of fami-
lies throughout the South in-
dorsing in the highest terms
the value of Rosadalis.

Dr. E. Wilson Cary of Bal-
timore says he has used it in cases
of Scrophulous and other diseases
with much satisfaction.

Dr. T. C. Fugh of Baltimore
recommends it to all persons
suffering with diseased Blood,
saying it is superior to any
preparation he has ever used.

Rev. Dabney Ball of the Bal-
timore N. B. Conference
South says he has been so much
benefitted by its use that he
cheerfully recommends it to all
his friends and acquaintances.

Graves & Co., Druggists, at
Gordonsville, Va., say it never
has failed to give satisfaction.

Samuel G. McFadden, Mur-
freesboro, Tennessee, says it
cured him of Rheumatism when
all else failed.

Rosadalis is not a secret
quack preparation; its ingredi-
ents are published on every
bottle. Now to your Phy-
sician and he will tell you it is
composed of the strongest al-
teratives that exist, and is an
excellent Blood Purifier. Did
our space admit we could give
you testimonials from every
State in the South, and from
persons known to every man,
woman and child, either
personally or by reputation.

Rosadalis is sold by all Druggists.
CLEMENTS & Co.,
Baltimore, Sole Proprietors.
JOHN F. HENRY,
No. 8 College Place,
New York, Wholesale Agent.

NEWSPAPERS.

To Memphis Merchants.

THE INDEPENDENT SOUTH,
HOLLY SPRINGS, MISS.
A 36-Column Journal.

THE BEST ADVERTISING MEDIUM IN
North Mississippi.
E. W. & A. P. UPshaw,
Editors and Proprietors.

The Oxford Falcon.
PUBLISHED EVERY FRIDAY.
OXFORD, MISS.
S. M. Thompson, Editor and Prop'r.

The usual size Business Cards in-
serted three months for \$10.

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BOOK AND JOB

Printing Establishment

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E. WHITMORE, - - Proprietor

REMOVAL.

CHAS. STOUT & BRO.

DEALERS IN
Hardware, Cutlery, Guns,
AGRICULTURAL IMPLEMENTS, ETC.,

HAVE REMOVED TO
342 Main Street, near Union.

"The Only Reliable Fire Extinguisher!"
Over 1200 Actual Fires Put Out With It.
More than \$10,000,000 Worth of Property Saved.

NATIONAL

Fire Extinguisher.

Endorsed and used by the U. S. Government, and all
the leading Fire Departments, Insurance Companies,
Steamboats, Theaters, Public Buildings and
Factories throughout the Union.
Now in use in the Executive Mansion, War, State,
Treasury and Navy Departments.

Price, \$50, Polished Copper.
Send for a Circular.
National Fire Extinguisher Co.
JAS. E. THOMPSON, General Manager,
Head Office, 263 Broadway, N. Y.

TYPE,

LEGAL BLANKS!

Borders, Ornaments, Etc.,

Warrantee Deeds,

Trust

Quit Claim

Deeds of Gift,

Blanks for Depositions,

Attachments,

Leases,

Chattel Mortgages,

Crop

Peace Warrants,

Probate Blanks,

Summons,

Executions,

Garnishments,

Subpoenas,

WRIT OF FORCIBLE ENTRY AND
DETAINER

Writ of Possession,

Appearance Bonds,

Power of Attorney,

Etc., Etc., Etc.,

AT

Ledger Printing House,
13 MADISON STREET.

PAPER.

Paper! Paper! Paper!
OF ALL KINDS.

A. V. DU PONT & CO.
Manufacturers and Wholesale Dealers.

Louisville, Kentucky

Have just removed to their new, 14
four-story warehouse, No. 154 Main st.

159 Poplar Street, Opposite the
Market.

Goods Delivered Free of Charge.

WM. DEAN & CO.
DEALERS IN
Choice Groceries, Teas,
AND
PROVISIONS.

157-xvi-60

THIS ESTABLISHMENT, BEING FULLY
stocked with the latest and most

Improved Styles of Presses,

From the celebrated manufacturers of R.
Hoe & Co., and Geo. F. Gordon, and
with all the styles and designs of